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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,945	03/13/2002	Hideto Furuta	356882001200	4691
7590	06/17/2005			EXAMINER
BARRY E. BRETSCHNEIDER MORRISON & FOERSTER LLP 1650 TYSONS BLVD., SUITE 300 MCLEAN, VA 22102			AZAD, ABUL K	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/070,945	FURUTA, HIDETO	
	<b>Examiner</b>	<b>Art Unit</b>	
	ABUL K. AZAD	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 March 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/26/02, 11/10/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1-5 are pending in this Office Action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by Fujioka et al. (JP 2000-56827).

As per claim 1, Fujioka teaches, “a voice attachment control apparatus for a construction machine (80) which has an attachment element (401) as a construction working member connected to actuators (120, 121, 122)”, characterized in that it comprises:

“speech analysis means (1a) for speech-analyzing a voice command representative of an instruction by voice regarding a movement of said attachment element (401)”(Fig. 1, element 221A);

“speech discrimination means (1b), connected to said speech analysis means (1a), for discriminating the instruction of the voice command” (Fig. 1, element 221C); and  
“machine body control means (1c), connected to said speech discrimination means (1b), and operable of controlling movement of said attachment element (401) based on the instruction” (Fig. 1).

As per claim 2, Fujioka teaches, "said machine body control means (lc) sets values relating to a movement position and a speed of said attachment element (401)" (Fig. 1, element 221).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka et al. (JP 2000-56827) as applied to claim 1 above, and further in view of Masashi (JP 09-265298).

As per claim 3, Fujioka does not explicitly teach a synthesis means. However, Masashi teaches a synthesis means (See section Solution). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a synthesis means as teaches by Masashi in the invention of Fujioka because Masashi teaches his invention improves the safety of the operating of a crane truck.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka et al. (JP 2000-56827) in view of well-known prior art.

As per claim 4 and 5, Fujioka does not explicitly teach, "in order to operate a shear connected to actuators and operable of performing a movement of grasping an object and a rotational movement as an attachment element as a construction working member". Official Notice is taken on the well-known as a construction working member in order to operate a shear connected to actuators and operable of performing a movement of grasping an object and a rotational movement as an attachment element. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the well-teaching in the invention of Fujioka because one ordinary skill in the art would readily recognize that proved maximum control of the construction member using speech command.

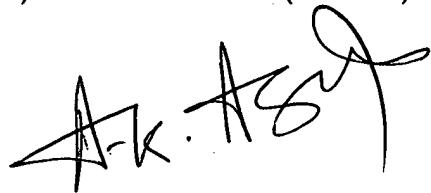
***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABUL K. AZAD whose telephone number is (571) 272-7599. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHMOND DORVIL can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ABUL K. AZAD  
Primary Examiner  
Art Unit 2654

June 11, 2005